

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
SOUTHERN DIVISION

LINDA WILLIAMS,)	
)	
Plaintiff,)	
)	
vs.)	CASE NO. 1:06CV598-WKW
)	
ENTERPRISE CITY SCHOOL DISTRICT,)	
)	
Defendant.)	

DEFENDANT'S MOTION FOR SANCTIONS

COMES NOW the Defendant and herewith moves this Court for an order granting sanctions against the Plaintiff for failing to respond to the consolidated discovery requests. As grounds for this Motion, the Defendant states as follows:

1. On or about July 27, 2007, Defendant served consolidated discovery requests on Plaintiff. See Exhibit "A" attached to Defendant's Motion to Compel (doc #52). Plaintiff failed to file any responses within the time allowed by the Federal Rules of Civil Procedure. After good faith attempts by Defendant's counsel to resolve the matter without Court intervention, Defendant filed a Motion to Compel (doc. #52). In response to said Motion, the Court entered a show cause order which was ignored (doc. #53). The Court then entered an order giving the Plaintiff until November 5, 2007, to respond (doc. #56). Other than a letter enclosing some tax returns and selected medical records, no formal, or even remotely complete informal, response has been filed.

2. The consolidated discovery requests are short and plain. There are only three (3) interrogatories and nine (9) requests for production. Plaintiff has still not answered the interrogatories in any formal or informal way and has not served formal responses to the requests for production. Plaintiff has only caused her attorney to write the undersigned to explain that she

would disclose certain medical records and includes tax return information. There is no valid response as required by the Federal Rules of Civil Procedure. The letter from Plaintiff's attorney is attached hereto as Exhibit "1." In the interests of not overburdening the Court file, the undersigned has not attached the documents which were enclosed with said letter but can represent to the Court that there were no formal responses filed and the documents produced were only selected medical records and tax returns.¹

3. Without prejudice to the other requests for which a formal response should have been filed, one of the most troubling aspects of the letter is the Plaintiff's statement in her attorney's letter that she refuses to disclose a complete list of her medical providers per the requests in the consolidated discovery requests. If this was the Plaintiff's position, it would have been easy to file an appropriate response in August, 2007 when her responses were actually due. The time to make objections has expired. Moreover, Plaintiff put her medical history directly at issue by filing this case and now refuses to appropriately respond to the Defendant's requests for information, the most basic of which is a request for her past and present medical providers.

4. The undersigned apologizes to the Court for having to file this Motion. However, the fact that the Defendant has requested Plaintiff, on numerous occasions, to appropriately and timely respond is evident. The delay in obtaining those responses threatens the defense of this case and the timely conclusion of this matter.²

5. Wherefore, the Defendant requests the Court to enter an appropriate order which institutes appropriate sanctions against the Plaintiff for her failure to respond.

¹Despite that representation in the letter stating responses would be mailed "on Wednesday" (October 24, 2007), there were no responses received.

²Defendant has twice requested and received extensions as to disclosure of potential experts.

/s/ R. Rainer Cotter, III
R. RAINER COTTER, III (ASB-4925-E49R)
Attorney for Defendant

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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing on J. Victor Price, Esq., 17 Sistrunk Street, Tallassee, Alabama 36078, by placing said copy in the U.S. Mail, postage prepaid and properly addressed this 6th day of November, 2007.

/s/ R. Rainer Cotter, III

OF COUNSEL